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August 5, 2016

OFFICE OF GENERAL
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VIA EMAIL AND U.S.P.S.

Jeff S. Jordan
Assistant General Counsel
Office of Complaints Examination and Legal Administration
Federal Election Commission
999 E Street, NW
Washington, DC 20463

**Re: MUR 7091 – Response to FEC Complaint Against Friends of Patrick
Murphy, Charlie Crist for U.S. Senate, and Others**

Dear Mr. Jordan:

On behalf of my client Ibrahim Al-Rashid, this letter responds to the above-referenced complaint filed by the Senate Leadership Fund, a political organization dedicated to influencing this year's Senate elections. As set forth in more detail below, this complaint amounts to nothing more than a cynical political smear against two high profile Democratic candidates and their supporters. Worse still, the complainant seeks to achieve its political goals by using innuendo to attack our client because of his long-time personal relationship with one of those candidates, Congressman Patrick Murphy. Indeed, this is the second time this summer that this particular organization has sought to involve Mr. Al-Rashid in its no-holds-barred efforts to defeat Congressman Murphy.

As its name implies, the SLF exists as a vehicle focused on attacking Democratic Senate candidates in an effort to prevent the Democratic Party from forming a majority in the United States Senate. The individual who signed this complaint, Steven Law, is not only the president of the Senate Leadership Fund, he also is the president and CEO of the major Republican superPAC American Crossroads,¹ and president of its "sister" organization, CrossroadsGPS.²

Just recently, in fact, Mr. Law himself confirmed a shift of focus from the presidential election into Senate races like the one motivating this complaint.³ The timing of that shift coincides with the complainant's initial attempts to advance its political agenda by using a serious personal mistake from Mr. Al-Rashid's private life against Congressman Murphy's U.S. Senate campaign.

¹ See <http://www.americancrossroads.org/leadership-team/>

² See <http://www.crossroadsgps.org/leadership-team/>

³ See <http://www.nytimes.com/2016/05/21/us/politics/republican-donors-trump-senate-house.html>

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The background of the SLF's work in this regard is that some two years ago, Mr. Al-Rashid and his now ex-wife, Morgan Budman, were involved in an altercation that resulted in Mr. Al-Rashid being charged with a misdemeanor in Pennsylvania. Our client has great remorse for that incident, took full responsibility for it, and pled guilty to the assault. He also underwent significant counseling and was on probation for more than a year. "Politics ain't beanbag,"⁴ to be sure, but neither Mr. Al-Rashid nor Ms. Budman are, or ever have been, candidates or political combatants themselves. One would like to think that anyone with any sense of compassion or humanity would not attempt to exploit one brief dark period of a personal relationship between two private individuals for political gain. Nevertheless, the Senate Leadership Fund has heavily invested itself into exploiting this one.

So, on multiple occasions in May of this year, the SLF published articles on the SLF website, framed around criticizing Congressman Murphy for accepting campaign contributions from someone convicted of a misdemeanor in connection with a domestic altercation. The SLF also apparently contacted reporters to get them to write about the incident, irrespective of the public embarrassment this caused the victim of the assault, Ms. Budman. Based on the context of the SLF's posts about Mr. Al-Rashid's past and the pictures accompanying those posts, it also appears that the SLF wants to exploit the name Al-Rashid to suggest that Mr. Al-Rashid is a foreigner. In fact, Mr. Al-Rashid, who was born in Tennessee, is a United States citizen.

Especially in light of that background, we find it obvious that the SLF is now attempting to misuse the FEC enforcement process to broaden its efforts to publicly embarrass Congressman Murphy by suggesting that his campaign accepted political contributions which the SLF claims look "suspicious." It is quite telling that, rather than simply file this complaint and let the FEC process it in due course, the complainant has sought to heavily publicize it, through the SLF website, through other right-wing blogs, through local news organizations in Florida, and through national media organizations.

Little of this press coverage has noted that the complaint is not based on any recent political contributions made or solicited by Mr. Al-Rashid or anyone else. Indeed, every one of the contributions referenced in the complaint was made in 2010 or 2011. The thrust of the complaint is to suggest that not only Mr. Al-Rashid, but also his former spouse, Ms. Budman, may have used their family members and business colleagues to make "straw contributions" to Charlie Crist's campaign in 2010 and/or to Patrick Murphy's campaign in 2011. However, the complaint presents no evidence showing that any of these contributions was at all improper. Incredibly, the complaint merely presents the fact of Mr. Al-Rashid's and Ms. Budman's relationships with these donors as itself being "highly suspicious."

In fact, according to at least one press report, the Senate Leadership Fund itself "admits it does not have a smoking gun" to substantiate the claims contained in its complaint.⁵ A review of the complaint and its accompanying materials shows that not only does the complainant have no "smoking gun," it offers no proof whatsoever – no affidavits, no probative documents, nor even any allegations from anyone who claims to have actual knowledge of the circumstances around these contributions – to support its accusations. Instead, the complaint provides nothing but

⁴ See <http://politicaldictionary.com/words/politics-aint-beanbag/>

⁵ See <http://freebeacon.com/politics/florida-dems-accused-illegal-straw-campaign-donation-scheme/>

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innuendo and supposition about a "network of contributors" that it breathlessly claims to find "highly suspicious," conspicuously disregarding how common it is for supporters of a political candidate to raise campaign contributions from their family members and business colleagues.

This complete absence of any objective proof at all to support the complaint is particularly telling where, as here, the allegations concern contributions that were made many years ago. In fact, even if one were to take the complainant's claims at face value despite the lack of any proof, the statute of limitations would already apply to the vast majority of its allegations – and will bar the remainder of these claims in less than four months. On this point, it is worth emphasizing that the policy rationale behind the statute of limitations in this context is to prevent candidates or their supporters from having to defend themselves against the claims of political operatives precisely like those now made by the SLF; where even the alleged facts and circumstances involved are many years old and where reliable evidence of guilt or innocence therefore could be difficult, if not impossible, to obtain.

In short, even taken entirely on its own terms, this complaint fails to offer any reason at all to believe any violations may have taken place. It would be troubling, to say the least, if the SLF sincerely believed a federal investigation was warranted anytime a candidate's supporters raised campaign contributions from their family members and business associates. It should be equally troubling for any group to urge that kind of intrusion insincerely as a cheap campaign stunt.

Consequently, both to avoid letting the complainant misuse the public resources and compulsory process of the Federal Election Commission to furnish its efforts to influence this year's Senate elections, and as a matter of fundamental fairness, the Commission owes it to the taxpayers, to the voters in Florida, and especially to the people against whom the complainant has made these cynical allegations to confirm – as even the complainant itself has tacitly acknowledged – that there is no rational "reason to believe" any of these allegations, and to dismiss the matter in its entirety and close the file.

Sincerely,



Joseph M. Birkenstock
Counsel for Ibrahim Al-Rashid